

# TEXAS STATE PAGE

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## **COMPACT ADMINISTRATOR**

Debra Emerson  
Texas Department of Family  
and Protective Services  
P.O. Box 149030  
Austin, Texas 78714-9030  
Telephone: (512) 438-4760  
E-mail: [debra.emerson@dfps.state.tx.us](mailto:debra.emerson@dfps.state.tx.us)

## **Interstate Specialists**

Sheila Fitzpatrick (I-Q)  
ICPC Specialist  
Phone: (512) 438-4153  
Fax: (512) 339-5815  
E-mail: [sheila.fitzpatrick@dfps.state.tx.us](mailto:sheila.fitzpatrick@dfps.state.tx.us)

Denise Cedar (A-H)  
ICPC Specialist  
Telephone: (512) 438-4957  
Fax: (512) 339-5815  
E-mail: [denise.cedar@dfps.state.tx.us](mailto:denise.cedar@dfps.state.tx.us)

## **Regular Mailing Address**

DFPS  
ICPC Unit, MC E-556  
P.O. Box 149030  
Austin, TX 78714-9030

## **DEPUTY COMPACT ADMINISTRATOR**

Gina Gelnett (R-Z)  
Texas Interstate Placement Section  
Texas Department of Family  
and Protective Services  
P.O. Box 149030, W-223  
Austin, Texas 78714-9030  
Telephone: (512) 438-5141  
E-mail: [gina.gelnett@dfps.state.tx.us](mailto:gina.gelnett@dfps.state.tx.us)

## **Administrative Assistant**

Cheryl Fell  
Telephone: (512) 438-2254  
Fax: (512) 339-5815

## **Federal Express Address**

DFPS  
ICPC Unit, MC W-223  
701 W. 51<sup>st</sup>. Street  
Austin, TX 78751

Address Correspondence To: Deputy Compact Administrator.

ICPC Office Hours: Monday – Friday, 8:00 a.m. to 5:00 p.m. Central Time Zone.

**FAX:** (512) 339-5815

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## **GENERAL INFORMATION**

ICPC Code Citation. Texas Family Code Chapter 162, Subchapter B. NOTE: Subchapter A Pertains to placement in Texas of children from another state whether the sending state is or is not a member of ICPC.

Statutory Penalties. Chapter 162, Section 162.025 of the Texas Family Code makes it a Class B misdemeanor for an unauthorized person to place a child.

Age of Majority. A child or minor is defined in the Texas Family Code at Section 101.003 as a person under 18 years of age.

# TEXAS STATE PAGE

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Court Jurisdiction. Adoption cases are filed in a district court, family district court, or a county court-at law.

## **SPECIAL INFORMATION**

Custody Investigation. If the child is a ward or dependent of the court, or if the court has given custody, conservator ship, or the equivalent to a public child protective agency, the court or the agency must follow the procedures for obtaining ICPC approval and DFPS will do the home study and supervise. If ICPC does not apply, as in most divorce custody disputes, or if no public entity holds wardship, conservatorship, or the equivalent, the out of state court or agency or the family may contract for needed services with a private practice or a court registered investigator.

## **REQUIREMENTS**

Reports. In adoptions, a court order social study is required. Texas Family Code, Chapter 162, Subchapter A. 162.003.

Licensing Requirements. Placement facilities, child-caring facilities and independent foster Homes must be licensed by the Texas Department of Family and Protective Services. Human Resources Code, Chapter 42. Agency foster homes may be certified by a licensed child placing agency. DFPS regions are individual child placing agencies.

## **PLACEMENTS**

Independent Adoptive Placements. The only non-agency adoptive placements which are lawful are those made by legal parents or managing conservators. Texas Family Code, Chapter 162, Subchapter A. 162.025.

Adoption Petition. Petition filed at any time. No petition for adoption granted until the child Has lived in the home for a period of at least six months, unless waived by the court. Texas Family Code, Chapter 162, Subchapter A. 162.002.

### **Residential Placements.**

- Placements Requiring Interstate approval: Placement with child placing agencies, child-caring agencies, residential treatment facilities licensed by DFPS and agency foster and group homes require prior approval by DFPS, whether placing agent is parent, agency or court.
- Requirements for Placements: ICPC-100A and brief child summary or statement statement as to reason for placement. Placing agency, parent or court must have legal custody, conservatorship or equivalent authority.
- Approval of Facilities: DFPS is responsible for licensing child-caring and child-placing facilities. Call 1-800-862-5252.
- Rate Setting: For rate charged by child care facilities, contact the facility directly. DFPS has established rates for children based on the child's service levels.
- Monitoring of the Child: Responsibility of facility and/or placing agent.

## TEXAS STATE PAGE

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-Philosophy for the Placement of Non-Resident Youth: Facility must be suitable to meet needs of child and separation from family must be in child's best interest.

Requirements for Foster Care Placements. Licensure by DFPS or certification by child-placing agency. Out-of-state homes must be licensed or re-certified in that state.

### **PAYMENTS**

TANF Payments. May be made for children placed with Texas relatives, who meet TANF eligibility requirements. Texas does not make TANF payments for Texas children placed with out-of-state residents unless they are licensed for foster care (see Foster Care Payments for further parameters).

Medicaid Payment. The receiving state is responsible for the Medicaid benefits of children eligible under Title IV-E. Otherwise, the responsibility is with the sending state (see Foster Care Payments.)

Foster Care Payments. DFPS can pay for out-of-state placements based upon Texas rates if there is a financial need and if the home is licensed or certified in that state. Each case is determined on an individual basis.

Special Education Payments. At option of local school districts.

### **USEFUL TELEPHONE NUMBERS**

Child Abuse Hotline. In-State call. 800-252-5400 (24-hour toll-free number); out-of-state calls (512) 834-3784.

Juvenile Compact Office. Texas Youth Commission: (512) 533-2714.

Mental Health Compact Office. Texas Department of MHMR: (512) 419-2302.